

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Philippe ROUANET et al.  
Title: Percutaneous Composition Comprising  
4-Hydroxy Tamoxifen  
Appl. No.: 10/734,638  
Filing Date: 12/15/2003  
Examiner: Deirdre Renee Claytor  
Art Unit: 1617  
Confirmation Number: 9056

**AMENDMENT TO CORRECT INVENTORSHIP**

**UNDER 37 C.F.R. §1.48(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §1.48(b), it is respectfully requested that the inventorship for the above-captioned application be corrected as described below.

Please delete Philippe Rouanet as an inventor.

The request for deletion of Philippe Rouanet as an inventor is due to a Restriction Requirement which resulted in Philippe Rouanet's invention no longer being claimed in the present application.

This request is being submitted and signed by a party set forth in 37 C.F.R. §1.33(b).

The processing fee of \$130.00 as set forth in 37 C.F.R. §1.17(i) is submitted herewith in the form of a credit card payment.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 1, 2009

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4094  
Facsimile: (202) 672-5399

By Courtenay C. Brinckerhoff

Courtenay C. Brinckerhoff  
Attorney for Applicant  
Registration No. 37,288

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Philippe ROUANET *et al.*  
Title: **PERCUTANEOUS COMPOSITION COMPRISING  
4-HYDROXY TAMOXIFEN** (as amended)  
Appl. No.: 10/734,638  
Filing Date: 12/15/2003  
Examiner: Claytor  
Art Unit: 1617  
Confirmation Number: 9056

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**DECLARATION UNDER 37 C.F.R. § 1.132**

The undersigned inventors of the subject matter claimed in U.S. Application Serial No. 10/734,638 ("the captioned application"), Dominique Salin Drouin and Jacques Wepierre, do hereby declare and state as follows:

1. We are the inventors of the subject matter recited in the currently pending claims, *e.g.*, a pharmaceutical composition comprising about 0.001% to 1.0 % by weight of 4-hydroxy tamoxifen, about 0.5% to 2% by weight of isopropyl myristate, about 65% to 75% by weight of alcohol, about 20% to 35% by weight of aqueous vehicle, about 1.0% to 5% by weight of gelling agent, wherein the percentage of components are weight to weight of the composition.

2. U.S. Patent Publication No. 2004/0138314, corresponding to U.S. Patent 7,485,623, is directed to methods of reducing breast density using a percutaneous 4-hydroxy tamoxifen composition. U.S. Patent Publication No. 2004/0138314 describes 4-hydroxy tamoxifen compositions within the scope of the pending claims, for example in Table 1.

3. U.S. Patent Publication No. 2004/0138314 is commonly owned with the captioned application, by Laboratoires Besins International SA. The 4-hydroxy tamoxifen compositions within the scope of the pending claims that are disclosed in U.S. Patent Publication No. 2004/0138314 were derived from the undersigned inventors, and were not invented by the inventor of U.S. Patent Publication No. 2004/0138314, Jay Bua.

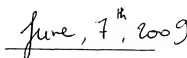
4. U.S. Patent Publication No. 2005/0032909 is directed to methods of treating mastalgia using a percutaneous 4-hydroxy tamoxifen composition. U.S. Patent Publication No. 2005/0032909 describes 4-hydroxy tamoxifen compositions within the scope of the pending claims, for example in Table 1.

5. U.S. Patent Publication No. 2005/0032909 is commonly owned with the captioned application, by Laboratoires Besins International SA. The 4-hydroxy tamoxifen compositions within the scope of the pending claims that are disclosed in U.S. Patent Publication No. 2005/0032909 were derived from the undersigned inventors, and were not invented by the inventor of U.S. Patent Publication No. 2005/0032909, Bruno de Lignieres.

6. Each of the undersigned further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the above-referenced application or any patent issuing thereon.



Dominique Salin Drouin



Date



Jacques Wepierre



Date